

REMARKS

Amendments to the claims

Claims 1-36 and 105-162 are pending in the application. Claims 1, 16, 28 and 159 have been amended. Claim 149 has also been amended, to correct a minor typographical error. New claims 163 and 164 have been introduced. No new matter has been added.

35 USC § 102 rejections

In the Action, the Examiner rejects claims 1, 2, 15, 16, 28, and 36 under 35 USC § 102(b) as being anticipated by Benhamou (U.S. Pat. No. 4,651,517) or Rozenwasser (U.S. Pat. No. 4,934,135). Applicants respectfully disagree.

Claim 1 as amended recites *"an exterior edge having a curved surface portion defined by a straight linear component that is parallel to, or inclined to, said axis at all points along said curved surface portion, said curved surface portion being smooth and highly reflective"* (emphasis added)

In the Action, the Examiner states that Benhamou and Rozenwasser disclose "bowed or curved" edges. See also Figures 2, 3, 7A in Benhamou and Figure 8 in Rozenwasser. Applicants agree with the Examiner and point out that "bowed or curved" (as called by the Examiner) or "bulged" (as called by Applicants in the specification of the present application) edges have been extensively discussed by Applicants in the specification, with reference to prior art Figures 1A and 1B.

However, the Examiner further states that "slightly bowed or curved [edges] . . . fail to preclude the reading of the surfaces as being generally parallel and smooth." Applicants disagree with this characterization of the Examiner.

First of all, the Examiner is making an incorrect geometric assumption. How can the edges shown in Figures 2, 3, 7A in Benhamou and Figure 8 in Rozenwasser be generally

parallel if they do not comprise straight linear portions? Further, does the Examiner have a geometric basis for the term "generally parallel"? Applicant submits that the language of claim 1 as amended clearly distinguishes claim 1 from Benhamou or Rozenwasser. Should the Examiner still believe that claim 1 is anticipated by Benhamou or Rozenwasser, the Examiner is respectfully requested to show to Applicants where the feature "*straight linear component that is parallel to, or inclined to, said axis at all points along said curved surface portion*" is shown or taught in Benhamou or Rozenwasser, in accordance with 37 CFR § 1.104(c)(2).

Further, Applicants note that bowed, curved, or bulged edges "disburse . . . [light] in all directions within a wide angle, resulting in the intensity of reflected light at any particular angle being substantially diminished relative to the intensity of the incident light," as stated by Applicants in the paragraph bridging pages 3 and 4 of the specification of the present application. As a consequence, should the Examiner still believe that claim 1 is anticipated by Benhamou or Rozenwasser, the Examiner should also show to Applicants how can Benhamou or Rozenwasser's edges be "*highly reflective*."

Therefore, Applicants respectfully submit that claim 1 is novel over Benhamou or Rozenwasser, together with claims 2 and 15, by virtue of their dependence on claim 1.

Additionally, Applicants submit that independent claims 16 and 28 contain recitations that are identical to the above cited recitation of claim 1. As a consequence, claims 16 and 28 are deemed to be novel over Benhamou or Rozenwasser for the same reasons set forth with reference to claim 1 above, together with claim 36 by virtue of its dependence on claim 28.

35 USC § 103 rejections

1.

In the Action, the Examiner rejects claims 9-11, 13, 23-25, 35, and 159 under 35 USC § 103(a) as being unpatentable over Benhamou in view of Grando (U.S. Pat. No.

5,309,704). Applicants respectfully disagree.

Claims 9-11 and 13 depend on independent claim 1. Claims 23-25 and 159 depend on independent claim 16. Claim 35 depends on independent claim 28. It follows that those claims also implicitly recite the feature "*an exterior edge having a curved surface portion defined by a straight linear component that is parallel to, or inclined to, said axis at all points along said curved surface portion, said curved surface portion being smooth and highly reflective*" of claims 1, 16 or 28. Applicants have already shown, with reference to the 35 USC § 102 rejection, that the above feature cannot be found in Benhamou. Further, with reference to Grando, and in particular Figure 8 of Grando cited by the Examiner, the Examiner has not shown to Applicants, in the Action, where Grando discloses the above recited feature. As a consequence, Applicants submit that the Examiner cannot make a *prima facie* 35 USC § 103(a) case against the above recited claims based on Benhamou and Grando.

Therefore, Applicants submit that claims 9-11, 13, 23-25, 35, and 159 are patentable over Benhamou and Grando.

Incidentally, Applicants note that dependent claim 3 has been deemed allowable by the Examiner, see section 7 of the Action. Claim 13 (rejected, as shown above, as being unpatentable over Benhamou in view of Grando) depends on allowable claim 3. Therefore, also claim 13 should be deemed allowable.

2.

In the Action, the Examiner rejects claims 12, 26 and 34 under 35 USC § 103(a) as being unpatentable over Benhamou in view of Ofrat (U.S. Pat. No. 5,285,625). Applicants respectfully disagree.

Claim 12 depends on independent claim 1. Claim 26 depends on independent claim 16. Claim 34 depends on independent claim 28. It follows that those claims also implicitly recite the feature "*an exterior edge having a curved surface portion defined by a straight linear*

component that is parallel to, or inclined to, said axis at all points along said curved surface portion, said curved surface portion being smooth and highly reflective” of claims 1, 16 or 28. Applicants have already shown, with reference to the 35 USC § 102 rejection, that the above feature cannot be found in Benhamou. Further, with reference to Ofrat, the Examiner has not shown to the Applicant, in the Action, where Ofrat discloses the above recited feature. As a consequence, Applicants submit that the Examiner cannot make a *prima facie* 35 USC § 103(a) case against the above recited claims based on Benhamou and Ofrat.

Therefore, Applicants submit that claims 12, 26 and 34 are patentable over Benhamou and Ofrat.

3.

In the Action, the Examiner rejects claims 17, 18, 105, 109, 114, 117, 118, 120, 121, 124, 149 and 150 under 35 USC § 103(a) as being unpatentable over Benhamou in view of K Mart Rope Chain Item # 76617103508. Applicants respectfully disagree.

Claims 17, 18, 105, 109, 114, 117, 118, 120, 121, 124, 149 and 150 depend on independent claim 16. It follows that those claims also implicitly recite the feature “*an exterior edge having a curved surface portion defined by a straight linear component that is parallel to, or inclined to, said axis at all points along said curved surface portion, said curved surface portion being smooth and highly reflective” of claim 16.* Applicants have already shown, with reference to the 35 USC § 102 rejection, that the above feature cannot be found in Benhamou. Further, with reference to K Mart Rope Chain Item # 76617103508, the Examiner has not shown to the Applicant, in the Action, where K Mart Rope Chain Item # 76617103508 discloses the above recited feature. As a consequence, Applicants submit that the Examiner cannot make a *prima facie* 35 USC § 103(a) case against the above recited claims based on Benhamou and K Mart Rope Chain Item # 76617103508.

Therefore, Applicants submit that claims 17, 18, 105, 109, 114, 117, 118, 120, 121, 124, 149 and 150 are patentable over Benhamou and K Mart Rope Chain Item # 76617103508.

Incidentally, Applicants note that dependent claim 123 has been deemed allowable by the Examiner, see section 7 of the Action. Claim 124 (rejected, as shown above, as being unpatentable over Benhamou in view of K Mart Rope Chain Item # 76617103508) depends on allowable claim 123. Therefore, also claim 124 should be deemed allowable.

4.

In the Action, the Examiner rejects claim 106 under 35 USC § 103(a) as being unpatentable over Benhamou in view of Wards D45-97384007&18" 2-5 mm. Applicants respectfully disagree.

Claim 105 depends on independent claim 16. It follows that claim 105 also implicitly recites the feature "*an exterior edge having a curved surface portion defined by a straight linear component that is parallel to, or inclined to, said axis at all points along said curved surface portion, said curved surface portion being smooth and highly reflective*" of claim 16. Applicants have already shown, with reference to the 35 USC § 102 rejection, that the above feature cannot be found in Benhamou. Further, with reference to Wards D45-97384007&18" 2-5 mm, the Examiner has not shown to Applicants, in the Action, where Wards D45-97384007&18" 2-5 mm discloses the above recited feature. As a consequence, Applicants submit that the Examiner cannot make a *prima facie* 35 USC § 103(a) case against the above recited claims based on Benhamou and Wards D45-97384007&18" 2-5 mm.

Therefore, Applicants submit that claim 105 is patentable over Benhamou and Wards D45-97384007&18" 2-5 mm.

Allowable claims

In section 7 of the Action, the Examiner states that claims 3-8, 14, 19-22, 27, 29-33, 107, 108, 110-113, 115, 116, 119, 122, 123, 125-148, 151-158, 160-162 are allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Applicants thank the Examiner for the statement of allowability. However,

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Applicants submit that also the claims on which the allowable claims depend are allowable, as stated above. Therefore, Applicants have not rewritten the above claims in independent form.

* * *

In view of the foregoing, Applicants submit that claims 1-36 and 105-162 are in condition for allowance. Prompt issuance of a Notice of Allowance is earnestly solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

September 30, 2004
(Date of Deposit)

Susan Papp
(Name of Person Depositing)

Susan Papp
Signature
09/30/04
Date

Respectfully submitted,

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Enclosures:

- Petition for 2-month extension of time
- Check in the amount of \$ 210.00
- Postcard